

February 1, 1993

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## Default Order

On March 16, 1992, by and through its attorney, the Quince Orchard Home Owners Association, Inc., Board of Directors, Governing Body of the Quince Orchard Home Owners Association, Inc., hereinafter the Complainant Board, Jeffery Van Grack filed a formal dispute with the Office of Common Ownership Communities, hereinafter "Office", in which it alleged that Kamran and J. R. Teymourash, hereinafter the Respondents, owners of 12305 Mosel Terrace, North Potomac, Maryland:

- a) constructed a permanent play fixture and altered a walkway at their property without approval of the Complainant Board's Architectural Control Committee in violation of Article V of the Declaration of Covenants, Conditions and Restrictions;
- b) failed to remove a doghouse and surrounding picket fence, in violation of Article VI, Section 6.02 (i) of the Declaration of Covenants, Conditions and Restrictions;
- c) failed to remove a playhouse from the front porch, in violation of Article VI, Section 6.02 (c) and (v) of the Declaration of Covenants, Conditions and Restrictions;
- d) failed to remove a picket fence from behind the permanent play fixture, in violation of Article V of the Declaration of Covenants, Conditions and Restrictions; and,
- e) failed to remove debris from the side of the house in violation of Article VII, Section 7.01 (a) of the Declaration of Covenants, Conditions and Restrictions.

Specifically, the Complainant Board contended that the Respondents failed to obtain the required written approval from the Architectural Control Committee before making alterations to their walkway and constructing a permanent play fixture and, after repeated notification of violation, failed to remove debris from the side yard, failed to remove a playhouse from the front porch, failed to remove the doghouse with surrounding picket fence and failed to remove a picket fence located behind the permanent play fixture.

By written correspondence dated March 20, 1992, April 14, 1992, and July 28, 1992, and by telephone conversations on April 30, 1992, and July 13, 1992, the Office of Common Ownership Communities requested that the Respondents forward a written response to the issues raised in the complaint. To date, the Respondents have failed to respond to the Office, have failed to comply with the Complainant Board's notices of violation, and have failed to submit required drawings and written requests to the Complainant Board's Architectural Control Committee.

On September 2, 1992, the Commission on Common Ownership Communities, upon a finding that the above-captioned dispute fell within Section 10B-8 of the Montgomery County Code, 1984, as amended, accepted jurisdiction in the matter of Quince Orchard Homeowners Association, Inc., v. Kamran and J. R. Teymourtash. A public hearing in this matter was not scheduled due to the fact that the Respondents failed to provide a written response to the allegations and failed to place the case at issue.

By correspondence dated September 4, 1992, the Commission on Common Ownership Communities advised the Respondents in writing that their failure to respond in writing, prior to October 5, 1992, to the allegations raised in the dispute, would result in the Commission's issuance of a default order against them. Furthermore, the Respondents were advised at that time that the Commission panel could then elect to conduct a hearing solely to determine the appropriate relief to be granted to the Complainant. Despite the fact the complaint in this matter was filed in March, 1992, and the numerous written and oral notifications sent by the Office of Common Ownership Communities to file a written response to place the case at issue and avoid a Default Order, to date, the Respondents have failed to respond.

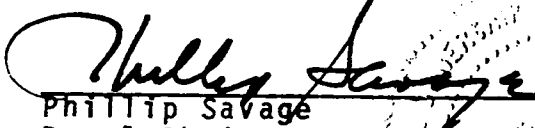
The above entitled case having come before the Commission on Common Ownership Communities for Montgomery County, Maryland, pursuant to Sections 10B-5 (i), 10B-9 (a), 10B-10, 10B-11 (e), 10B-12, and 10B-13 of the Montgomery County Code, 1984, as amended, the Commission having taken jurisdiction of this dispute and the Respondents' failure to respond to the complaint despite numerous notices from the Office and Commission, the Commission on Common Ownership Communities, based upon a consideration of the above, hereby orders that the Respondents are in default and further orders that the relief requested by the Complainant Board is hereby granted as follows:

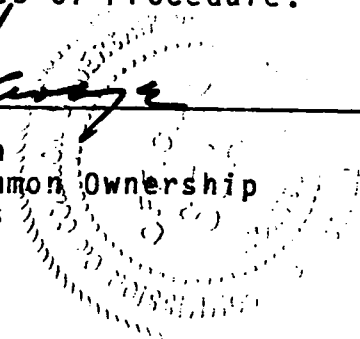
ORDERED

The Respondents, Kamran and J. R. Teymourash, owners of 12305 Mosel Terrace, North Potomac, Maryland, must, within thirty (30) calendar days of receipt of this ORDER, obtain written approval from the Quince Orchard Home Owners Association, Inc., Architectural Control Committee, for walkway alterations, for erecting a permanent play set in their backyard and for erecting a fence; and, must permanently remove the dog house and surrounding picket fence, the debris from the side of their house and the playhouse from the front porch.

The foregoing was concurred in by panel members Kerstetter, Huson, and Savage.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within thirty (30) days from the date of this Order, pursuant to Chapter 1100, Subtitle B, Maryland Rules of Procedure.

  
Phillip Savage  
Panel Chairperson  
Commission on Common Ownership  
Communities



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